IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 705 OF 2005

Sunil Shankar Khandekar ...Appellant

Versus

The State of Maharashtra ...Respondent

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Ms. Pooja Bhojane, Advocate for Appellant

Ms. S.V. Gajare, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 10TH AUGUST, 2005

P. C.:-

1. Heard both sides.

2. Being aggrieved by the judgment and order dated 30.6.2005 passed by the learned Additional Sessions Judge, Greater Bombay in Sessions Case No. 147 of 2004, this appeal against the conviction has been preferred by the appellant. By the said judgment and order the learned Sessions Judge convicted the appellant under Section 411 of I.P.C. and sentenced him to suffer R.I. for a period of two years and fine of Rs.5000/- i/d R.I. for three months.

3. The learned advocate for the appellant has submitted that she does not wish to make any submissions on merits and has only prayed for reduction in the sentence of imprisonment and fine. As this is the only submission being made the learned

A.P.P. has no objection to the appeal being heard and disposed of at the admission stage. Hence, admit.

4. The learned Sessions Judge has sentenced the appellant to two years R.I.. It is an admitted fact that out of the said two years, the appellant has undergone half of the period of imprisonment. Though the appellant had been granted bail during the pendency of the trial, on account of poor financial condition, he was unable to avail of the bail and has remained inside. The learned A.P.P. on instructions states that looking to the facts and circumstances of this case, there is no objection to the sentence being reduced to the period of one year and fine amount being reduced from Rs.5000/- to Rs.2,500/-.

5. In this view of the matter, the conviction under Section 411 of I.P.C. is maintained, however, the sentence of imprisonment is reduced to the period undergone by the appellant i.e. one year. The sentence of fine is also reduced from Rs.5000/- to Rs.2,500/-. However, in default sentence is maintained.

6. Appeal is partly allowed in the above terms.

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4831 OF 2005
IN
CRIMINAL APPEAL NO. 705 OF 2005

Sunil Shankar Khandekar ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. Nitin Sejpal & Pooja Bhojane, Advocate for Applicant

Ms. S.V. Gajare, A.P.P. for State.

.....

CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 10TH AUGUST, 2005

P. C.:-

. In view of the order dated 10.8.2005 passed in Criminal Appeal No.705 of 2005, this application does not survive and the same is disposed of as infructuous.

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